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December 20, 2024

Honorable Stewart D. Aaron
U.S. Magistrate Judge
Southern District of New York
500 Pearl St,
New York, NY 10007

***Re: Alexander Gomez v. Cirlio Lozada et al
Civil Action No.: 24-cv-03020-JLR-SDA
Letter Motion To Adjourn Damages Inquests [DE#25]***

Dear Honorable Magistrate Judge Aaron,

We represent Plaintiff in the above-styled action.

Pursuant to the Court's December 10, 2024 Order [DE#25], the Parties are required to attend the damages inquests scheduled for December 23, 2024. Foremost, the Plaintiff is inclined to inform the Court that the above styled matter sought no damages, pecuniary, punitive, or otherwise. This civil action was entirely premised on the Plaintiff's demand for injunctive relief against the Defendants, due to the Defendants discriminatory policy and wilful indifference to barriers of access and barriers to service regarding a public accommodation under Title III of the ADA.

Thereon, given that no inquests is necessary to calculate the damages after the Default Judgment was entered against the Defendants, the Plaintiff therein requests that the Inquest be adjourned, and instead respectfully requests that the Court permit the requests for reasonable attorney fees be examined under the papers submitted thereto, including billable hours that were contemporaneously kept during this action, and an attorney affidavit therewith. Furthermore, the request was brought at this late hour, due to the Plaintiff just moments ago informing his Counsel that he likely will not be available on December 23 due to 'personal reasons.'

Therein, Plaintiff humbly requests that the Court, at its most sagacious discretion, adjourn the Damages inquest given that no damages are sought against the Defendants, making such a hearing not in the best interest of judicial economy, and further based on Plaintiff's unavailability for that date.

Thank you for your time in considering this request.

Most Respectfully,
BARDUCCI LAW FIRM


PLLC

Maria-Costanza Barducci Esq.

cc: Via CM/ECF Only

Plaintiff's Letter Motion filed at ECF No. 26 to adjourn the telephone conference scheduled for Monday, 12/23/2024 at 11:00 a.m. is DENIED. To be clear, an inquest will not be held on Monday, and Plaintiff himself need not appear for the telephone conference. Rather, Plaintiff's counsel shall appear to address certain issues relating to the inquest and the non-appearing defendant, Cirlio Lozada. As a reminder to Plaintiff's counsel, at the scheduled time, she shall call 1-855-244-8681 and enter access code 2319 449 5090 #

SO ORDERED.

Dated: 12/21/2024

